

**Remarks:**

First, the undersigned would like to thank Examiner Turner for taking the time to discuss this restriction requirement on November 19, 2003 so as to advance prosecution of the subject application. Applicants have herein amended claims 28 and 52, canceled claims 37-45 and 49-51 without prejudice to their right to pursue the subject matter of these claims in another application, and added new claims 60-63. These amendments do not involve any issue of new matter. Accordingly, claims 28-36, 46-48 and 52-63 will be pending upon entry of this Amendment.

**Restriction**

The Examiner required election of one of the following groups:

Group I: claims 28-36, 46-48 and 52-59, allegedly drawn in part to a method for enhancing the formation and development of dendrites and synapses; and

Group II: claims 37-45, 49-51, allegedly drawn in part to a method for reducing memory dysfunction.

In response to this restriction requirement, the undersigned on behalf of applicants hereby elects, with traverse, Examiner's Group I. Applicants contend that there will not be any undue burden on the examiner to search the pending claims which all recite uses of morphogens. Applicants respectfully request that the present restriction requirement be withdrawn.

Furthermore, the Examiner requests election of one of the following species of polypeptides: a) OP-1, b) BMP-2, c) BMP-5, d) BMP-6, and e) 60A. In response, the undersigned on behalf of applicants hereby elects with traverse the following **species for search purposes only**: OP-1 [emphasis added].

Applicants note that the Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, with respect to the morphogens, the inventions are not independent. Applicants contend that the Examiner is imposing an improper restriction, and that requiring an election of between OP-1, BMP-2, BMP-5, BMP-6, and 60A is improper.

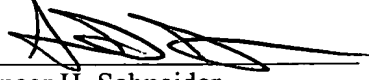
Applicants note that the independent claims are generic to the use of many different morphogens, i.e. those which are at least about 60% identical or about 70% homologous to residues 330-431 of human OP-1 (SEQ ID No:2) and thus, providing a choice of only OP-1, BMP-2, BMP-5, BMP-6, and 60A was improper because it would preclude them from prosecuting the generic claims. In addition, when a generic claim is presented and such generic claim is found allowable, then a reasonable number of species must be examined. See 37 C.F.R. ' 1.141(a). The Examiner's requiring a restriction election would preclude examination of the generic claim and a reasonable number of species. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement.

If the Examiner disagrees with applicants' position, the undersigned invites the Examiner to telephone him at the number provided below. Nevertheless, applicants again reiterate the election with traverse of Examiner's Group I. In addition, applicants hereby provisionally elect with traverse **species OP-1 for search purposes only.**

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. JJJ-P01-510 from which the undersigned is authorized to draw.

Dated: November 20, 2003

Respectfully submitted,

By 

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